

EXHIBIT 1

Notice of Removal
Herschell Orr v. Dolgencorp, LLC

**Chronological Case Summary and Process/Pleadings Filed in the Daviess County Circuit
Court Under Case No. 14C01-2001-CT-000052**

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Herschell Orr v. Dolgencorp, LLC

Case Number	14C01-2001-CT-000052
Court	Daviess Circuit Court
Type	CT - Civil Tort
Filed	01/21/2020
Status	01/21/2020 , Pending (active)

Parties to the Case

Defendant Dolgencorp, LLC

Address

Corporation Service Company
135 N. Pennsylvanie St., Suite 1610
Indianapolis, IN 46204

Attorney

Katherine Marie Haire
#3133049, Retained

Reminger CO., L.P.A.
8909 Purdue Rd, College Park Plaza
Suite 200
Indianapolis, IN 46268
317-352-5240(W)

Plaintiff Orr, Herschell

Address

900 S Meridian Street Apt 29
Washington, IN 47501

Attorney

Phillip Dale Olsson
#2941653, Retained

KEN NUNN LAW OFFICE
104 South Franklin Road
Bloomington, IN 47404
812-332-9451(W)

Chronological Case Summary

01/21/2020 Case Opened as a New Filing

01/22/2020 Appearance Filed

Appearance

For Party: Orr, Herschell

File Stamp: 01/21/2020

01/22/2020 Subpoena/Summons Filed

Dolgencorp Summons

Filed By: Orr, Herschell

File Stamp: 01/21/2020

01/22/2020 Complaint/Equivalent Pleading Filed

Complaint for Damages

Filed By: Orr, Herschell

File Stamp: 01/21/2020

02/06/2020 Service Returned Served (E-Filing)

Return of Service for Dolgencorp

Filed By: Orr, Herschell

File Stamp: 02/05/2020

02/14/2020 Appearance Filed

APPEARANCE BY ATTORNEY IN CIVIL CASE

For Party: Dolgencorp, LLC

File Stamp: 02/14/2020

02/14/2020 Motion for Enlargement of Time Filed

Defendant's Unopposed Motion for Enlargement of Time to File Responsive Pleading to Plaintiff's Complaint

Filed By: Dolgencorp, LLC

File Stamp: 02/14/2020

02/14/2020 Order Granting Motion for Enlargement of Time

Judicial Officer: Smith, Gregory A

Order Signed: 02/14/2020

02/15/2020 Automated ENotice Issued to Parties

Order Granting Motion for Enlargement of Time ---- 2/14/2020 : Katherine Marie Haire;Phillip Dale Olsson

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Orr, Herschell

Plaintiff

Balance Due (as of 02/26/2020)

0.00

Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

Transaction Summary

Date	Description	Amount
01/22/2020	Transaction Assessment	157.00
01/22/2020	Electronic Payment	(157.00)

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Daviess Circuit Court

APPEARANCE FORM (CIVIL)**Initiating Party**

CAUSE NO:	14C01-2001-CT-000052
1. Name of first initiating party	Herschell Orr
2. Telephone of pro se initiating party	NA
3. Attorney information (as applicable for service of process)	<u>/s/ Phillip Olsson</u> PHILLIP OLSSON, #29416-53 Ken Nunn Law Office 104 S. Franklin Road Bloomington, IN 47404 PHONE: 812 332-9451 FAX: 812 331-5321
4. Case type requested	CT (Civil Tort)
5. Will accept FAX service	YES
6. Are there related cases	NO
7. Additional information required by State or Local Rules	
Continuation of Item 1 (Names of initiating parties)	NAME: NAME:
Continuation of Item 3 (Attorney information as applicable for service of process)	

Daviess Circuit Court

CIRCUIT AND SUPERIOR COURTS FOR THE COUNTY OF DAVIESS
STATE OF INDIANA
COURTHOUSE, 200 E. WALNUT STREET
WASHINGTON, INDIANA 47501
TELEPHONE: 812 254-8664

HERSCHELL ORR

Plaintiff(s)

VS.

No. **14C01-2001-CT-000052**

DOLGENCORP, LLC

Defendant(s)

SUMMONS

The State of Indiana to Defendant: Dolgencorp, LLC, c/o Corporation Service Company, 135 North Pennsylvania St., Ste. 1610, Indianapolis, IN 46204

You have been sued by the person(s) named "plaintiff" in the court stated above.

The nature of the suit against you is stated in the complaint which is attached to this document. It also states the demand which the plaintiff has made and wants from you.

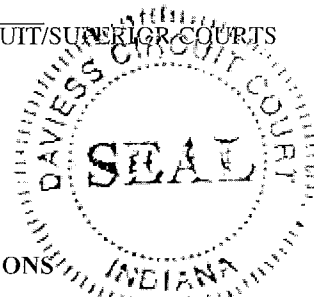
You must answer the complaint in writing, by you or your attorney, within Twenty (20) days, commencing the day after you receive this summons, or judgment will be entered against you for what the plaintiff has demanded. You have twenty-three (23) days to answer if this summons was received by mail. **Such Answer Must Be Made In Court.**

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Date: 1/21/2020


CLERK, DAVIESS CIRCUIT/SUPERIOR COURTS

PHILLIP OLSSON, #29416-53
ATTORNEY FOR PLAINTIFF
KEN NUNN LAW OFFICE
104 S. FRANKLIN ROAD
BLOOMINGTON, IN 47404
TELEPHONE: (812)332-9451



ACKNOWLEDGEMENT OF SERVICE OF SUMMONS

A copy of the above summons and a copy of the complaint attached thereto were received by me at _____ this ____ day of _____, 2020__.

SIGNATURE OF DEFENDANT

PRAECIPE: I designate the following mode of service to be used by the Clerk.

- ☒ By certified or registered mail with return receipt to above address.
- ☐ By Sheriff delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein.
- ☐ By _____ delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode.
- ☐ By serving his agent as provided by rule, statute or valid agreement, to-wit:

KEN NUNN LAW OFFICE

BY: /s/ Daniel Gore
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING: I certify that on the ___ day of _____, 2020, I mailed a copy of this summons and a copy of the complaint to each of the defendant(s) by (registered or certified mail requesting a return receipt signed by the addressee only, addressed to each of said defendant(s) at the address(es) furnished by plaintiff.

Dated this ___ day of _____, 2020__.

CLERK, DAVIESS CIRCUIT/SUPERIOR COURTS

RETURN OF SERVICE OF SUMMONS BY MAIL: I hereby certify that service of summons with return receipt requested was mailed on the ___ day of _____, 2020__, and that a copy of the return of receipt was received by me on the ___ day of _____, 2020__, which copy is attached herewith.

CLERK, DAVIESS CIRCUIT/SUPERIOR COURTS

CERTIFICATE OF CLERK OF SUMMONS NOT ACCEPTED BY MAIL: I hereby certify that on the ___ day of _____, 2020__, I mailed a copy of this summons and a copy of the complaint to the defendant(s) by (registered or certified) mail, and the same was returned without acceptance this ___ day of _____, 2020__, and I did deliver said summons and a copy of the complaint to the Sheriff of Daviess County, Indiana.

Dated this ___ day of _____, 2020__.

CLERK, DAVIESS CIRCUIT/SUPERIOR COURTS

RETURN OF SUMMONS: This summons came to hand on the ___ day of _____, 2020__, and I served the same on the ___ day of _____, 2020__.

1. By mailing a copy of the summons and complaint personally to _____ address _____
2. By delivering a copy of summons and complaint personally to _____
3. By leaving a copy of the summons and complaint at _____ the dwelling house or usual place of abode of defendant: _____ (Name of Person) and by mailing by first class mail a copy of the summons on the ___ day of _____, 2020__ to _____ his last known address.
4. By serving his agent as provided by rule, statute or valid agreement to-wit: _____
5. Defendant cannot be found in my bailwick and summons was not served.

And I now return this writ this ___ day of _____, 2020__.

SHERIFF or DEPUTY

RETURN ON SERVICE OF SUMMONS: I hereby certify that I have served the within summons:

1. By delivery on the ___ day of _____, 2020__ a copy of this summons and a copy of the complaint to each of the within named defendant(s) _____.
2. By leaving on the ___ day of _____, 2020__ for each of the within named defendant(s) _____ a copy of the summons and a copy of the complaint at the respective dwelling house or usual place of abode with _____ a person of suitable age and discretion residing therein whose usual duties or activities include prompt communication of such information to the person served.
3. _____ and by mailing a copy of the summons without the complaint to _____ at _____ the last known address of defendant(s).

All done in Daviess County, Indiana.

Fees: \$ _____

SHERIFF or DEPUTY

Daviness Circuit Court

STATE OF INDIANA)
) SS: IN THE DAVIESS COURT
COUNTY OF DAVIESS)
 CAUSE NO. **14C01-2001-CT-000052**

HERSCHELL ORR

VS.

DOLGENCORP, LLC

COMPLAINT FOR DAMAGES

Comes now the plaintiff, Herschell Orr, by counsel, Ken Nunn Law Office, and for cause of action against the defendant, Dolgencorp, LLC, alleges and says:

1. That on or about August 25, 2019, the plaintiff, Herschell Orr, was a customer at the Dollar General, located at 900 W. National Hwy, in Washington, Daviess County, Indiana.
2. That on or about August 25, 2019, the plaintiff, Herschell Orr, tripped over a plastic soda bottle that was in the aisle of the store.
3. That it was the duty of the defendant to use ordinary care and diligence to keep and maintain the said premises in a condition reasonably safe for its intended uses and free from all defects and conditions which would render the premises dangerous and unsafe for plaintiff, or present an unreasonable risk of harm to plaintiff in his lawful use of same.
4. That it was the duty of the defendant to exercise reasonable care to protect plaintiff, by inspection and other affirmative acts, from the danger of reasonably foreseeable injury occurring from reasonably foreseeable use of said premises.
5. That it was the duty of the defendant to have available sufficient personnel and equipment to properly inspect and maintain the aforesaid premises in a condition reasonably safe for plaintiff and free from defects and conditions rendering the premises unsafe.
6. That it was the duty of the defendant to warn plaintiff of the dangerous and unsafe condition existing on said premises.

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7. That the defendant knew or should have known of the unreasonable risk of danger to the plaintiff but failed either to discover it or to correct it after discovery.

8. That the fall and resultant permanent injuries of plaintiff were caused by the negligence of the defendant who failed to utilize reasonable care in the inspection and maintenance of said premises.

9. That the aforesaid acts of negligence on the part of the defendant were the proximate cause of the injuries sustained by the plaintiff.

10. That the plaintiff has incurred medical expenses and other special expenses, and will incur future medical expenses and other special expenses, as a direct and proximate result of defendant's negligence.

WHEREFORE, the plaintiff demands judgment against the defendant for permanent injuries in a reasonable amount to be determined at the trial of this cause, for medical expenses and other special expenses, for future medical expenses and other special expenses, court costs, and all other proper relief in the premises.

REQUEST FOR TRIAL BY JURY

Comes now the plaintiff, by counsel, Ken Nunn Law Office, and requests that this matter be tried by jury pursuant to Trial Rule 38.

KEN NUNN LAW OFFICE

BY: /s/Phillip Olsson

PHILLIP OLSSON, #29416-53

ATTORNEY FOR PLAINTIFF

PHILLIP OLSSON, #29416-53
KEN NUNN LAW OFFICE
104 S. FRANKLIN ROAD
BLOOMINGTON, IN 47404
TELEPHONE: 812 332-9451
FAX: 812 331-5321
ATTORNEY FOR PLAINTIFF



Filed: 2/5/2020 1:36 PM
 Daviess Circuit Court
 Daviess County, Indiana

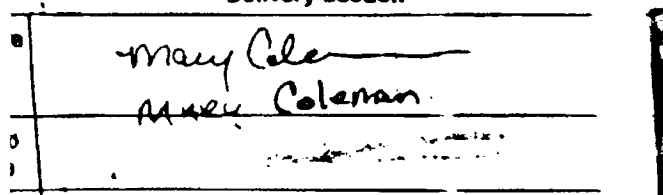
Mailer: Ken Nunn Law Office

Date Produced: 02/03/2020

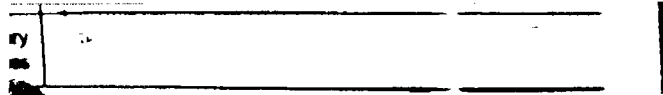
ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8304 7585 93. Our records indicate that this item was delivered on 01/27/2020 at 09:48 a.m. in INDIANAPOLIS, IN 46204. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
 United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

DOLGENCORP LLC
 C/O: CORPORATION SERVICE COMPANY
 135 N PENNSYLVANIA ST STE 1610
 INDIANAPOLIS IN 46204-2448

Customer Reference Number: C1869902.10703732

Return Reference Number: H. Orr

USPS MAIL PIECE TRACKING NUMBER: 420462049214890194038304758593

MAILING DATE: 01/23/2020

DELIVERED DATE: 01/27/2020

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

DOLGENCORP LLC
C/O: CORPORATION SERVICE COMPANY
135 N PENNSYLVANIA ST STE 1610
INDIANAPOLIS IN 46204-2448

MAIL PIECE TRACKING EVENTS:

01/23/2020 13:41	PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	BLOOMINGTON,IN 47404
01/24/2020 00:32	PICKED UP	UNKNOWN 46200
01/24/2020 00:47	PROCESSED THROUGH USPS FACILITY	INDIANAPOLIS,IN 46206
01/25/2020 03:47	PROCESSED THROUGH USPS FACILITY	INDIANAPOLIS,IN 46206
01/27/2020 08:17	ARRIVAL AT UNIT	INDIANAPOLIS,IN 46204
01/27/2020 08:28	OUT FOR DELIVERY	INDIANAPOLIS,IN 46204
01/27/2020 09:48	DELIVERED INDIVIDUAL PICKED UP AT USPS	INDIANAPOLIS,IN 46204

STATE OF INDIANA)	DAVIESS CIRCUIT COURT
)	
)	
COUNTY OF DAVIESS)	CASE NO. 14C01-2001-CT-000052
)	
HERSCHELL ORR,)	
Plaintiff,)	
v.)	
)	
DOLGENCORP, LLC)	
)	
Defendant.)	

APPEARANCE BY ATTORNEY IN CIVIL CASE

1. The party on whose behalf this form is being filed is:

Initiating _____ Responding X Intervening _____; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of parties: **DOLGENCORP, LLC**

2. Attorney information for service as required by Trial Rule 5(B)(2):

Name: Katherine M. Haire Atty. Number: 31330-49

Address: Reminger Co., LPA, College Park Plaza, 8909 Purdue Road

Suite 200, Indianapolis, Indiana 46268

Phone: 317-352-5240 Fax: 317-228-0943

E-mail Address: khaire@reminger.com

3. This is a CT case type as defined in administrative Rule 8(B)(3).

4. I will accept service by:

Fax at the above noted number: Yes _____ No X

Email at the above noted address: Yes _____ No X

5. This case involves child support issues. Yes _____ No X (If Yes, supply social security numbers for all family members on a separately attached document filed as confidential information on **light green paper**. Use Form TCM-TR3.1-4.)

6. This case involves a protection from abuse order, a workplace violence restraining order, or a no contact order. Yes _____ No X (If Yes, the initiating party must provide an address for the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.) The party shall use the following address for purposes of legal service: _____ N/A _____
7. This case involves a petition for involuntary commitment. Yes _____ No X _____
8. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment. _____ N/A _____
9. There are related cases: Yes _____ No X (If Yes, list on continuation page.)
10. Additional information required by local rule: _____ None _____
11. There are other party members: Yes _____ No X (If Yes, list on continuance page.)
12. This form has been served on all other parties and Certificate of Service is attached: Yes _____ X _____ No _____

Respectfully submitted,

/s/ Katherine M. Haire
Katherine M. Haire (31330-49)
REMINER CO., LPA
College Park Plaza
8909 Purdue Road
Suite 200
Indianapolis, IN 46268
T: 317-352-5240
F: 317-228-0943
khaire@reminger.com
Attorney for Defendants

CERTIFICATE OF SERVICE

I certify that the foregoing document has been filed in accordance with Trial Rule 86 using the Court's Electronic Filing System, which will send notice on this 14th day of February, 2020 to all registered parties.

Phillip Olsson
104 S. Franklin Road
Bloomington, IN 47404

/s/ Katherine M. Haire
Katherine M. Haire (31330-49)
REMINER CO., LPA

STATE OF INDIANA)	DAVIESS CIRCUIT COURT
)	
)	
COUNTY OF DAVIESS)	CASE NO. 14C01-2001-CT-000052
)	
HERSCHELL ORR,)	
Plaintiff,)	
v.)	
)	
DOLGENCORP, LLC)	
)	
Defendant.)	

**DEFENDANT'S UNOPPOSED MOTION FOR ENLARGEMENT
OF TIME TO FILE RESPONSIVE PLEADING TO PLAINTIFF'S COMPLAINT**

Defendant, Dolgencorp, LLC, by counsel, pursuant to Rule 6(B) of the Indiana Rules of Trial Procedure, moves the Court for an enlargement of time of thirty (30) days in which to answer or otherwise respond to Plaintiff's Complaint, up to and including March 20, 2020, and in support therefor would show the Court as follows:

1. Defendant was served with the original Complaint via Certified Mail on January 27, 2020.
2. A responsive pleading to the original Complaint is due on or about February 19, 2020, and said time has not yet expired.
3. That no prior enlargement of time has been requested.
4. That said additional time is necessary to enable counsel to confer with clients to review the facts and prepare an appropriate response to the Complaint.
5. The undersigned has conferred with counsel for Plaintiff, and he has no objection to this requested extension of time in which to file a responsive pleading.

WHEREFORE, Defendant, Dolgencorp, LLC, by counsel, prays for an additional thirty (30) days, up to and including March 20, 2020, in which to answer or otherwise respond to Plaintiff's Complaint for Damages, and for all other just and proper relief in the premises.

Respectfully submitted,

/s/ Katherine M. Haire
Katherine M. Haire (31330-49)
REMINER CO., LPA
College Park Plaza
8909 Purdue Road
Suite 200
Indianapolis, IN 46268
T: 317-352-5240
F: 317-228-0943
khaire@reminger.com
Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that the foregoing document has been filed in accordance with Trial Rule 86 using the Court's Electronic Filing System, which will send notice on this 14th day of February, 2020 to all registered parties.

Phillip Olsson
104 S. Franklin Road
Bloomington, IN 47404

/s/ Katherine M. Haire
Katherine M. Haire (31330-49)
REMINER CO., LPA

STATE OF INDIANA)	DAVIESS CIRCUIT COURT
)	
)	
COUNTY OF DAVIESS)	CASE NO. 14C01-2001-CT-000052
)	
HERSCHELL ORR,)	
Plaintiff,)	
v.)	
)	
DOLGENCORP, LLC)	
)	
Defendant.)	

**ORDER GRANTING DEFENDANT'S UNOPPOSED MOTION FOR ENLARGEMENT
OF TIME TO FILE RESPONSIVE PLEADING TO PLAINTIFF'S COMPLAINT**

The Court, having considered the Defendant's Motion for Enlargement of Time to answer or otherwise respond to Plaintiff's Complaint, and being duly advised in the premises, hereby approves said Motion.

IT IS THEREFORE ORDERED that Defendant, Dolgencorp, LLC, shall have an additional thirty (30) days, up to and including **March 20, 2020**, in which to Answer or otherwise plead in response to Plaintiff's Complaint.

So Ordered this 14th day of February, 2020.

BY: 
JUDGE, DAVIESS COURT CE

Distribution:

Counsel of record via the Court's Electronic Filing System